

104TH CONGRESS
2D SESSION

H.R. 2567

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 1996

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To amend the Federal Water Pollution Control Act relating
to standards for constructed water conveyances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Constructed Water
3 Conveyances Reform Act of 1995”.

4 **SEC. 2. CONSTRUCTED WATER CONVEYANCES.**

5 Section 303(c)(2) of the Federal Water Pollution
6 Control Act (33 U.S.C. 1313(c)(2)) is amended by adding
7 at the end the following:

8 “(C) STANDARDS FOR CONSTRUCTED
9 WATER CONVEYANCES.—

10 “(i) RELEVANT FACTORS.—If a State
11 exercises jurisdiction over constructed
12 water conveyances in establishing stand-
13 ards under this section, the State shall
14 consider any water quality impacts result-
15 ing from any return flow from a con-
16 structed water conveyance to navigable wa-
17 ters and the need to protect downstream
18 uses and may consider the following:

19 “(I) The existing and planned
20 uses of water transported in a convey-
21 ance system.

22 “(II) Management practices nec-
23 essary to maintain the conveyance
24 system.

1 “(III) Any State or regional
2 water resources management and
3 water conservation plans.

4 “(IV) The intended purposes for
5 the constructed conveyance.

6 “(ii) RELEVANT USES.—If a State
7 adopts or reviews water quality standards
8 for constructed water conveyances, it shall
9 not be required to establish recreational,
10 aquatic life, or fish consumption uses for
11 such systems if the uses are not existing or
12 reasonably foreseeable or the uses interfere
13 with the intended purposes of the convey-
14 ance system.

15 “(iii) STATUTORY CONSTRUCTION.—
16 Nothing in this subparagraph shall be con-
17 strued to require a State to exercise juris-
18 diction over constructed water conveyances
19 in establishing standards or to prohibit a
20 State from considering any relevant factor
21 in establishing standards or from establish-
22 ing any relevant use.

23 “(iv) CONSTRUCTED WATER CONVEY-
24 ANCES DEFINED.—In this subparagraph,
25 the term ‘constructed water conveyance’

1 means a manmade water transport system
2 constructed for the purpose of transporting
3 water for agricultural purposes or municipi-
4 pal and industrial water supply purposes in
5 a waterway that is not and never was a
6 natural waterway.”.

Passed the House of Representatives January 23,
1996.

Attest:

ROBIN H. CARLE,
Clerk.